

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
*August 2, 2010*

The Tippecanoe County Commissioners met on Monday, August 2, 2010 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President David S. Byers, and Commissioner Thomas P. Murtaugh. Also present were: Attorney Doug Masson, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

Commissioner Knochel called the meeting to order and led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

- Commissioner Byers moved to approve the minutes of the July 19, 2010 regular meeting, second by Commissioner Murtaugh; motion carried.

**PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS**

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for July 22, 23, 28, 29, 30 and August 2, 2010 as presented with no exceptions with the note that the Auditor's name has been removed from one claim from Superior Court VI for interpreter services.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented with no exceptions, second by Commissioner Byers; motion carried.

**PETITION TO VACATE A PUBLIC WAY**—*Professor Ernest Agee*

Mr. Agee stated that he is seeking approval to proceed with a petition to vacate an easement on his property, adding that Area Plan has changed the address and the Highway Department has been notified. Mr. Agee stated that when he created this sub-division 4 to 5 years ago, he allowed an easement from CR 100 W through his private property. He went on to say that the easement moved to the original platting lots on CR 850 N. Commissioner Murtaugh asked if the advertising requirements had been met. Mr. Agee stated not at this time, adding that will be the next step if the petition is approved today.

- Commissioner Byers moved to accept the petition to vacate a public way, second by Commissioner Murtaugh; motion carried.

After a short discussion it was determined that this item would be heard at the first Commissioner's meeting in September due to the publication schedule of the newspapers.

**ORDINANCE 2010-11-CM-Z-2433, LP Rezone (A – I3) Milestone Contractors**

Commissioner Knochel asked, with so many residents in attendance, that everyone please be courteous to the speakers.

- Commissioner Murtaugh moved to hear rezone Z-2433 (A to I3) Milestone Contractors, second by Commissioner Byers; motion carried.

Attorney Dan Teder representing the petitioner Milestone Contractors stated that this is a rezone from A to I3 for 65.52 acres. This would allow Milestone to move their asphalt plant and office complex to this site. The Area Plan Commission (APC) recommended approval 10 yes to 0 no votes. An initial rezoning request was for the entire 82 acres, after speaking with the APC staff the decision was made to change to

the current plan. Four acres on the southwest corner will remain zoned agricultural for storm water purposes. A new petition was also filed from A to I2 for the 13-acre tract that borders the Hoosier Heartland Corridor assuring there will not be outside storage and will most likely be a pond. The APC staff report stated that the petitioner's presence at this site is not problematic, but did express concern for whether the proposed use would be desirable along a gateway into the community. Attorney Teder presented aerial photographs showing the proposed plans for the Milestone complex, adding that that much of the Milestone complex will not be visible from the Hoosier Heartland Corridor. Plans include setbacks of 100 foot on the north and west with 6-foot high berm and a class "C" buffer yard. In addition, a setback of 40 feet along the east with a 6-foot high berm and a class "C" buffer yard. The use of a burrow pit would be temporary in nature and require Milestone to obtain a special exception. Attorney Teder stated the operating permits would include air emissions, petroleum storage, storm water discharge, and dust and erosion control. He went on to say that Milestone currently uses a bag system that collects the waste product and the cloud that is seen is steam coming from the reaction of the water and asphalt. Attorney Teder added that Milestone does have a current spill prevention, control, and countermeasure plan. A report from the Health Department indicated that the soils in this area are suitable for septic. Milestone's current location on SR 25 does comply with the existing wellhead protection requirements; Milestone will continue to meet those requirements when relocated. Asphalt must be kept above 200 degrees to be in a liquid state. Once it falls below 200 degrees, the asphalt will cool and harden. Because of the hardening, asphalt cannot penetrate the soil. There will be 1 to 2 wells on the site with water usage equivalent to about 9 to 10 single-family homes. Indiana Code 14-25-4 says owners of small capacity water wells are protected against the impact of high capacity ground water pumping if it substantially lowers water levels. Attorney Teder stated that Milestone has not received any complaints at their current location adding that adjoining landowners have no objection to the rezoning request. He went on to say that the Hoosier Heartland Corridor would be bringing many changes to the areas that border it.

Commissioner Knochel asked for public comment on this issue, noting that there is a 3-minute time limit.

Dave Iles, *Willowwood Subdivision* said that he is opposed to the industrial use in this area. Mr. Iles stated that the Hoosier Heartland Corridor has been touted as a gateway to the community. If this rezoning passes then one of Lafayette's gateways could be an asphalt plant, gravel pit, and a concrete recycling center. Mr. Iles asked why these zoning changes have to be done now. Adding that more facts are needed on the impact this rezoning will have on surrounding neighborhoods. The I3 zone affords the least amount of protection to nearby landowners. Mr. Iles stated, "this zoning fly's in the face of a comprehensive plan that has been outlined for the Hoosier Heartland Corridor". This rush to judgment seems to put the City of Lafayette's water supply at risk. Under the federal safe drinking water act, Lafayette has an obligation to maintain stringent wellhead protection. Once industrial zoning is in place, public input is no longer required. Mr. Iles asked the Commissioners to please reject any industrial rezoning of this proposal.

Don Fears, *Watkins Glen subdivision* said that he would be less than 200 yards from the proposed asphalt plant citing the noise, smell, traffic and air pollutants as major concerns. Mr. Fears stated that the current Milestone location is a considerable distance from his home and down the hill, this rezone would place Milestone closer and in direct eyesight. The smell and air pollutants are a major concern adding that the EPA's website cites some of the health concerns are cancer, central nervous system damage, liver damage and skin irritation. In addition, CR 300 N is not sufficient to handle the weight or the increased traffic that this rezone will bring. Of the two routes from that location, one is through a residential area. Property values will decrease in this area if this rezone is approved, and there will be lower revenue from property tax in this area.

Sally Mohler, *Willowwood subdivision* presented a petition with 278 signatures against this rezone. Ms. Mohler stated that Senator Brandt Hershman and State Representative Sheila Klinker would be sending

letters opposing this rezone to the Commissioners. An environmental engineer that lives in this area has written a report, which was delivered to the Commissioners last week. In her report she stated that this rezone is premature due to lack of utility infrastructure, mainly a lack of a public water supply and sanitary sewer. Ms. Mohler stated that the advertisement and the posting of signs for this rezone request were not adequate. Commissioner Knochel asked Sheriff Brown to remove Ms. Mohler after her refusal to vacate the podium when her 3-minute time limit had elapsed. As requested by the audience, Commissioner Knochel allowed Ms. Mohler an additional 3 minutes to finish. Ms. Mohler went on to say that Milestone's proposal jeopardizes the aquifer in this area through possible contamination and will be within 500 feet of a daycare center.

*Pictures submitted by Ms. Mohler of the proposed site are available in the Auditor's Office.*

Beth Nichols, *Willowwood subdivision* stated that her husband and three children have lived in Willowwood for the past 20 years. The footprint of this area is agricultural and residential and hopes that it will remain that way. I3 zoning will set a precedent for future industrial zoning. Ms. Nichols went on to say that if the proposed zoning passes the property values of many homes would be affected. Ms. Nichols stated that The Hoosier Heartland Corridor is welcomed progress, but this proposal will be destructive.

Dr Shirley Elenbaas, *500 E* said that she and her husband moved to this area to be in a quiet rural neighborhood. If the I3 zoning is approved, the noise from the traffic of the trucks is a concern along with the possible decline of property values. The residents of 300 N and 400 E object to the proposed rezoning of the 65 acres to I3 zoning. Ms. Elenbaas cited health issues, property values, heavy truck traffic, noise pollution, and the quality of life as reasons for objecting to this rezone request. Ms. Elenbaas said her home had been bought as an investment and a family home and she is concerned about what they will be leaving to their grandchildren. Ms. Elenbaas ask the Commissioners to consider their quality of life when voting on this issue.

Jim Leonardt, *concerned citizen* stated that his daughter lives in one of the 500 mentioned homes near this proposed rezone. Mr. Leonardt said that his concern with Milestone using the same permits that they now hold is daunting. He agrees with the concerns about the water contamination and supply. Mr. Leonardt asked that the future of the children be considered.

Reverend Drew Poppleton, *Pastor of Heartland Community Church* stated that the main concern for the church is the excessive traffic and noise that will be generated by the trucks belonging to Milestone. The church started a childcare ministry that will begin on August 16 and are hoping to expand, including before and after school. Heartland Community Church made a purposeful decision to move to this location and have invested about \$1.5 million in this location. He asks that the Commissioners vote against this rezone.

Ed Bowes, *Watkins Glen subdivision* said that he and his wife moved to this area for the quiet rural setting 17 years ago. Mr. Bowes stated at present there is a wonderful natural berm and the traffic stays on SR 25. With the proposed plan his home will be in the direct line of sight of Milestone and the natural berm will be lost. Mr. Bowes added that the dust from the trucks as they pass by will be substantial and will affect the quality of life dramatically. Mr. Bowes asked the Commissioners to protect the homeowner's interest and vote no to this rezone.

Marilyn Foster, *Tippecanoe County* asks the Commissioners to think about her small child when making their decision on this rezone request.

Kathy Reese, *Watkins Glen subdivision* said she has lived there for 10 years and previously lived at Piney Grove for 17 years. Ms. Reese stated that she could hear the crushing of the stone and smell the asphalt on windy days. The increased truck traffic is also a potential danger citing accidents involving trucks. Ms. Reese said she is concerned that this asphalt plant is moving closer to the residential area. She went on to say that she has two small grandchildren and is concerned about the effects to their health.

Opie Walker, *Farmington subdivision* said she moved to the Lafayette area about 10 years ago and that the attraction to the Farmington subdivision was the warm neighborhood feel and its country location. Ms. Walker stated that she comes from a metropolitan area and does not object to growth, but the beautification value needs to be considered along the Hoosier Heartland Corridor. Ms. Walker said, "We should make Lafayette a beautiful community where we can be proud to say that we live there."

Jake Kiser, *former Council member of the Heartland Church* said that the Commissioners were elected to govern the community in the interest of the majority. It would not be in the interest of the majority to put industry in the midst of where we live, worship, and where children ride school buses in harms way of these heavy trucks. Zoning is intended to protect the citizens. Mr. Kiser stated that there are plenty of other locations that are already zoned I3 that would suit Milestone's need. He added that their present location could be accommodating for them with slight changes to their property.

Susan Lawley, *4713 E 300 N* said that her parents live adjacent to her property and since moving here 10 years ago her father has developed asbestoses and her mother has asthma. Ms. Lawley said that she hopes the Commissioners will consider these issues when making their decision.

Robert Grove, *4034 Strawsma Drive* said that he is opposed to this rezone for all of the reasons that have been mentioned. He went on to say that I3 zoning will forever compromise this area and that he does have concerns about the possible contamination of the water supply due to the asphalt plant. Mr. Grove said there is also the consideration that businesses such as hotels and the like will be deterred from this area.

Sharon Mariga, *Willowwood subdivision* said that she had spoken with Commissioner Murtaugh about the reasons he thinks this is a good location for Milestone. Ms. Mariga stated that she did not feel Commissioner Murtaugh understood her objections to the relocation of the Milestone asphalt plant. Hotels and restaurants would not want to build next to I3 zoning. Indiana ranks third in the nation in water air and land pollution. Of ten counties in the area, Tippecanoe County is ranked as the second greatest polluter. Ms. Mariaga stated that government officials are not listening to the people. She is asking the Commissioners to listen to the people of the community that will be affected by this rezone.

Tim Siple, *4094 E 300 N* said that he lives directly behind this site and is concerned about the issues of health, noise, and traffic that have been discussed, but is also concerned about the value of his home. Mr. Siple said that the unsightly view of the recycling piles would not be a pleasurable from his porch. He went on to say that only about 40 percent of those materials could be recycled.

Brandon Richard, *4104 E 300 N* said that his family lives directly across the street from the proposed site and that traffic and noise are issues of concern, noting the only person speaking in favor of this rezone is the attorney for Milestone. Mr. Richard stated that this rezone will affect many people in a negative way and if it passes he would have to relocate his three children. Mr. Richard stated that property values would be so low that he would be unable to sell his property as residential at that time, adding that if this passes he would be back at some time to get his property rezoned. Mr. Richard stated that his parents also own property in the area that will also be unable to sell as agricultural or residential. Mr. Richard asked the Commissioners to consider these issues when voting for this rezone.

Phil Shoaf, 2621 Natalie Court Watkins Glen subdivision said that he had counted six vehicles go in or out of IMI during a five minute period last Friday, adding there was one semi, two dump trucks, one IMI concrete truck, and two pick-up trucks. Mr. Shoaf stated that another concern is a small pond behind IMI that he discovered while mushroom hunting. It is polluted with what appears to an oil slick and concrete scum. He believes there is a possibility these pollutants could get into aquifer and he would obtain pictures if needed.

Dick Lil, 4216 W 500 E said that a major concern that has not been mentioned is the possibility of Milestone closing or being bought by another company. This would allow other industrial companies such as refining or trash transfer stations to move to this area. We must look to the future and any potential problems with this rezone. Mr. Lil stated that he hoped the Commissioners would use good judgment and vote against this rezone.

Richard Mohler, 4033 Willowwood Drive said that as a homeowner in this area he had worked to get I3 zoning for Weir Trucking stopped. We are not against business in the area, but are opposed to I3 zoning. Mr. Mohler asked the Commissioners to please protect the citizens of this area and vote against this rezoning request.

John Bowen, a child representing the children that live in this area said that almost all of the kids in these neighborhoods go out and play daily. It would be terrible if any of them breathed the fumes that everyone has been talking about or drank polluted water. He added that he did not want to walk over to Watkins Glen to hang out with his friends and be hit by a pick-up truck.

Dave Marchi, 4009 Willowwood asked the Commissioners if they would consider moving or advising their children to move to this neighborhood if this rezone passes. "Would you give your children water to drink from this neighborhood?" Mr. Marchi asked the Commissioners to think about those questions when voting on this rezone.

Brad Bowen, Farmington subdivision said that he understood that the Commissioners have a difficult decision. Fundamentally, the case must be weighed on both sides. Clearly a case has been made that this is premature. Mr. Bowen said that he is against the rezoning and that minimally more research and data is needed.

Todd Spille, 2514 Willowwood said that he is against the rezoning for all the obvious reasons. Mr. Spille said that when he moved to this area it was residential and agriculture and he wants it to remain that way. According to the environmental engineer's report, there is not proper water or septic and it needs a classified injection well. According to the Environmental Protection Agency (EPA), during the mixing and melting of asphalt, PCD'S and PCD'S are formed and embedded into the environment. Road construction activities are contributing to the emissions of dioxin and inferron through the hot mix plants. Mr. Spille added that he does not want to put his children at risk if there is an accidental spill.

David Gross, 2 Castleton Drive said that it was important to keep in mind that a lot of emotional appeal had been heard and asked the Commissioners not to let the emotional appeal cloud the facts.

Dan Teder, Attorney for Milestone said that in his opinion what was heard was a lot of emotion and a few facts. Milestone is already in their neighborhood. Attorney Teder stated that in his opinion and according to the aerals, the proposed site is farther away, adding that Milestone has been in the County for ninety years and in this area for twenty. Milestone is an asphalt plant and is already in the area, and has had no complaints. There will be two restrooms, no showers, no washer, no dryer; water usage will be comparable to 9-10 family homes. Mr. Teder stated that Milestone would not affect the water, pollution, septic, air, or property values adding that Milestone has not affected the property value in the twenty

years they have been there. Legal notices were completed according to UZO requirements, the proper notices were sent out, and the signage was posted. Milestone has permits in place, although not in the well protection area, this is in anticipation of being in the well protection area when the City of Lafayette comes to this area. Milestone will have those required permits and they will be amended to meet all federal, state, and local permits at that time. Mr. Teder stated that property values would not be affected by this move, Milestone has been in the area for twenty years, and the property values have not been affected. Attorney Teder stated that he respectfully requests the Commissioners approval of this rezoning ordinance.

Commissioner Murtaugh asked Attorney Teder if he could explain about the use of the same permits. Attorney Teder stated that those permits are in place at Milestone's present site although they are not required at that site. Milestone does anticipate that those same permits will be required at the proposed site, adding they will be updated and amended at that time. Commissioner Murtaugh asked if that was a new process that will happen when the City of Lafayette puts the well fields in. Area Manager for Milestone Contractors Jim Gross stated that the spill prevention plan that is stated in the Milestone packet does qualify for wellhead-protected areas. Milestone does have a facility over a wellhead-protected area in Indianapolis and does have the information to meet those requirements. The same spill prevention plan would be utilized to meet those requirements. Commissioner Murtaugh then asked how often the IDEM permit is renewed. Mr. Gross stated that it is renewed every two years. Commissioner Knochel asked Mr. Gross why Milestone is moving at this time. Mr. Gross stated the Hoosier Heartland Corridor right-of-way will cut across the IMI property, which Milestone currently occupies. The new road will take most of the stockpile area and the facility will not have adequate space when that occurs. Commissioner Murtaugh then asked why Milestone choose this site over numerous other sites available. Mr. Gross stated the proximately to the Hoosier Heartland Corridor and I-65 and was a large contributing factor. Any business that deals with the transportation of materials will look at sites along major highways to lower the cost associated with the transportation of those materials. Commissioner Byers asked what the number of employees will be. Mr. Gross said that the total number of employees will be approximately 45-55 people. Commissioner Knochel asked Area Plan Director Sallie Fahey how long has this zoning request has been in process and if the proper notification and signage were completed. Director Fahey stated that the first meeting with Mr. Teder was approximately six months ago. Director Fahey added that there are three methods required for public notification. The planning commission meeting must be scheduled within 30 days from the time the petition was filed and within that 30 days three types of public notification must occur. The first is legal advertisement in the local papers that must appear at least 10 days prior to that meeting. The second is to send a certified letter to all landowners within 100 feet of the boundary of the petition property at least 10 days prior to that meeting. The last method is the posting of a standardized sign that has been purchased from the Area Plan Commission and must be posted 10 days prior to the meeting; and must be on the property included in the legal description of the rezoning request. Area Plan does believe all those requirements were met. Director Fahey stated that Area Plan does a physical check and documents the signs to assure they have been posted properly. Director Fahey stated that she expects that valuable economic potential will be created along the Hoosier Heartland Corridor. Until recently, the interchange of I-65 and SR 25 had been in the flood plain, however part of that flood plain has been elevated and may possibly be suited for hotels, restaurants, gas stations, etc. at a later date. Ms. Fahey added that it is on fill, which limits the weight of certain structures and the use of septic systems. She went on to say this is probably a contributing factor to the increased commercial interest in the SR 25 and CR 300 N interchange. Milestone must vacate their current site by April 1, 2011 when the State is scheduled to take right-of-way. Director Kuhl stated there are no plans for CR 300 N at this time adding that normal procedure is once a major development gets zoning approval the next step is to get building permits and access or driveway permits. Any improvements needed would be part of that driveway permit. Milestone is a tenant of IMI who owns the property and IMI will be staying at there current location. Commissioner Murtaugh asked if part of the IDEM permit was for the testing of ground water. Mr. Gross stated that the IDEM permit is for air. There is no ground water testing unless a

catastrophic event happens such as a tank rupturing. Commissioner Byers stated that if this property were a subdivision the water usage and the traffic would also increase considerably. After some discussion with the audience about increased truck traffic, water contamination, and proximity to existing subdivisions a vote was called.

Auditor Weston recorded the vote:

Byers	No
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-11-CM passes 2-1.

**Ordinance 2010-12-CM – UZO Amendment #66 setbacks for WECS**

- Commissioner Byers moved to hear Ordinance 2010-12-CM Amendment # 66

Director Fahey stated that there are two parts to this amendment and includes the creation of permissions and regulations for metrological towers, which may or not be associated with wind farms. Metrological towers will be permitted in the same zoning district by special exception as wind farms. Setbacks, fencings, and other development requirements will be regulated the same as cell towers. The second part is to amend the setback from dwellings. These proposed changes were voted on at the last Area Plan Commission meeting. The amendment will remove the required setbacks from the dwelling of a participating landowner and change the setbacks for non-participating landowners from 1000 feet to 1200 feet from the dwelling, and added a setback of 750 feet from the property line. The plan commission vote was 9 yes and 1 no based on the described amended ordinances.

Commissioner Knochel asked for public comments.

Terry Luedtke, 7633 E 1200 S Lauramie Township – stated population statistics showing that Tippecanoe County’s population has increased. Mr. Luedtke said that those statistics show that Tippecanoe County is a great county and that the benefit of the wind farms in Tippecanoe County is small compared to the benefits of the revenue generated by increased population. Mr. Luedtke stated that he would like to see an economic study done.

Joe Rund, 1200 S Randolph Township – said that horses outnumber people in this area. The people who are against the wind farms are attempting to nullify the property rights of the landowners who wish to move forward with the wind farms. He added that a person living in town could not tell their neighbor down the street what they can do. Mr. Rund said that he would be in favor no setbacks from the County and would like to see the setbacks negotiated with the power company. Mr. Rund asked the commissioners to vote favorably in bringing in wind energy.

Aaron Tyler, 7411 W 1100 S – said that wind turbines are not an agricultural endeavor. Mr. Tyler stated that he is in support of the change to the ordinance although he does so reluctantly.

Chuck Shelby, 9321 S 400 W – stated that he is a fifth generation farmer in that community and he is in favor of this amendment however, he does feel that setbacks are a comprise. Mr. Shelby stated that his great grandfather is buried on a hill not 500 feet from a meteorological tower and when making a decision of whether or not to support wind energy he considered his great grandfather. Mr. Selby said that his grandfather came here looking for the future of the country and the good of our whole community. Mr.

Shelby stated that the good of the community is what is at risk. The people who do not understand agriculture have a lot of miss-information. Mr. Shelby stated that wind is just another commodity.

Jody Hamilton, *Greater Lafayette Commerce Economic Development Director* – said that economic impact analysis has been done on this project. Property taxes on 133 turbines for a 20-year period will bring in an estimated \$25,000,000. For performance services it will be about \$9,000,000 and will create additional jobs within the community.

Commissioner Byers asked Director Fahey if these companies could file a variance to put in some of the turbines that were lost due to the setback change. Director Fahey stated that is correct.

Lorraine Rund, *1200 S Randolph Township* – said she feels that she is representing a silent group of people who are looking forward to the wind farms. She added that farming is the occupation of her family. Ms. Rund said this is the future and is willing to compromise for the good of all.

Rita Maddox, *13232 SR 25* stated that she lives on a farm that has been in her husband's family for over 100 years. Ms. Maddox stated that her farm is inside the wind farm site. Invenergy did not silently move into Tippecanoe County. Their presence has been known since 2006. Eighty percent of the targeted area is signed up to participate. This is a strong indication of the support for this project. Ms. Maddox encouraged the commissioners to approve the setback of 750 foot from a neighboring property line. The small group of opposing landowners will not have their property rights affected. Ms. Maddox asked the Commissioners to pass this amendment so that Invenergy can move forward.

Jim Pairitz, *8323 W 1200 S, West Point* – said there was never a desire to control the setbacks from a participating landowner's home and is glad that those were removed. A 318-page study from the town of Union in Wisconsin said that wind turbines should be at least 1000 feet from the nearest property line and at least five times the rotor diameter of the turbine from the property lines of all adjoining property owners who have not granted an easement for a lesser setback. And at least 2640 feet from the nearest residence, business, school, daycare, church, hospital, and other inhabited structures. Mr. Pairitz stated that he had attended a two-day conference called Windiana and learned that there is a lack of research on how wind turbines affect people. Setbacks should favor the side of caution and he reluctantly supports this ordinance amending the setbacks.

*All documents submitted by Mr. Pairitz can be viewed in the Auditor's Office*

Commissioner Knochel called for a vote.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-12-CM passes 3-0.

**Ordinance 2010-13-CM – UZO Amendment #67 changeable copy signs**

- Commissioner Byers moved to hear Ordinance 2010-13-CM amendment # 67 as presented.

Director Sallie Fahey stated that this is an amendment to the zoning ordinance that is an attempt to create parody between changeable copy signs at standard run businesses and changeable copy signs at integrated



centers. This ordinance will permit that a changeable copy sign may be included in an integrated center sign in the GB and HB zones only, with a maximum of 25% of the total sign area. It also clarifies that a center may have multiple signs if the location has multiple road frontages.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-13-CM passes 3-0.

### ***HIGHWAY-Opal Kuhl***

#### **Feast of the Hunter's Moon – Traffic Circulation Plan Map**

Mark Thompson, a volunteer for the Tippecanoe County Historical Association, presented a one-way traffic route map that has been used in past years for the Feast of the Hunter's Moon. This will be for Saturday, October 2, 2010 and Sunday, October 3, 2010.

- Commissioner Murtaugh moved to approve the traffic circulation plan map for the Feast of the Hunter's Moon as presented, second by Commissioner Byers; motion carried.

#### **Donation Agreement for Parcel 1 and 3 – McCarty Lane Extension Project**

Director Kuhl stated that two donation agreements were agreed to years ago when the McCarty Lane extension was going to go through. Saddlebrook and Eastland subdivisions agreed to donate the right-of-way. Parcel 1 was appraised at \$93,579, Parcel 3 appraised at \$513,892, and have both been donated for the right-of-way.

- Commissioner Byers moved to accept the McCarty Lane Extension Project Donation Agreements for Parcel 1 and Parcel 3 as presented, second by Commissioner Murtaugh; motion carried.

#### **Irrevocable Right of Entry Grant for Parcel 4 and 17 – McCarty Lane Extension Project**

Director Kuhl stated that these irrevocable right-of-entry grants are with Tippecanoe School Corporation for Parcels 4 and 17. The reason for these at this time is because the County had completed negotiations to purchase the right-of-way, but the paperwork was delayed due to the school corporation purchasing property from the YMCA. The documents that were written for the YMCA will need to be changed, and until that time, INDOT wanted the County to have something in place.

- Commissioner Murtaugh moved to approve the irrevocable right-of-entry grants as presented for Parcel 4 and Parcel 17 for the McCarty Lane Extension Project, second by Commissioner Byers; motion carried.

#### **LPA Project Coordination Contract for Right-of Way and Construction – Cumberland Road Project**

Director Kuhl stated that this is with INDOT for the Cumberland Road Project that will extend it to Klondike Road and CR 250. The County will not be able to begin construction until 2012 because it will be tying into SR 231 and it is currently under construction. American Structure Point is doing the design and beginning the right-of-way process. This is an agreement stating that the County will abide by the federal rules for the use of federal money.

- Commissioner Byers moved to accept the LPA contract for right-of-way and construction on the Cumberland Road Project, second by Commissioner Murtaugh; motion carried.

**Engineering Service Agreement from Butler, Fairman, and Seufert, Inc. – Replacement of Small Structure WEA 304**

Director Kuhl stated that this is the engineering service agreement from Butler, Fairman, and Seufert, Inc. for the replacement of Wea Culvert 304. A culvert and a pipe need replaced on a small bridge structure. It is in the amount of \$46,950 for the design work on this bridge.

- Commissioner Murtaugh moved to approve the Engineering Service Agreement from Butler, Fairman, and Seufert, Inc. as presented, second by Commissioner Byers; motion carried.

**3-year Utility Maintenance Bond in the amount of \$5,000 – Comcast Cable Communications Management, LLC**

Director Kuhl stated that this 3-year \$5,000 maintenance bond is for working in the right-of way.

- Commissioner Murtaugh moved to approve the 3-year maintenance bond with Comcast Cable Communications Management, LLC as presented, second by Commissioner Byers, motion carried.

**3-year Utility Maintenance Bond in the amount of \$5,000 – Turnkey Network Solutions**

Director Kuhl stated that this 3-year \$5,000 maintenance bond is for working in the right-of way.

- Commissioner Byers moved to approve the 3-year maintenance bond with Turnkey Network Solutions as presented, second by Commissioner Murtaugh; motion carried.

**SHERIFF – Tracy Brown  
School Resource Officer**

Sheriff Tracy Brown stated that a grant from the Indiana Criminal Justice Institute to fund a school resource officer has been approved in the amount of \$49,000. He is asking for that position to be approved and created today. Commissioner Byers asked if the grant is renewable. Sheriff Brown said that is a 3-year renewable grant and does require a 10% match, which will be through the purchase of uniforms, firearms, and other equipment. Sheriff Brown stated that it is a goal to work with the school corporation on permanent funding of this program. This position will be filled with a veteran of the Sheriff's department and the open position would then be filled with a new employee. The School Resource Office would be available during the summer months for special projects.

- Commissioner Murtaugh moved to authorize and create the position of School Resource Officer as presented, second by Commissioner Byers; motion carried.

**GRANTS – Laurie Wilson**

**Permission to Accept-Drug Free Coalition Grant for Court Services**

Grant Facilitator Laurie Wilson requested permission to accept a grant in the amount of \$18,100 from the Drug Free Coalition to purchase PRIme workbooks and to fund a small portion of salary for Court Services.

- Commissioner Byers moved to accept the grant as presented, second by Commissioner Murtaugh; motion carried.

### **Permission to Accept-Drug Free Coalition Grant for Superior Court III**

Grant Facilitator Laurie Wilson requested permission to accept a grant in the amount of \$5,250 from the Drug Free Coalition for substance abuse assessments for Superior Court III. The assessments cost \$250 and Cary Home will be facilitating this grant through the courts.

- Commissioner Byers moved to accept the grant as presented, second by Commissioner Murtaugh; motion carried.

### **Permission to Accept Drug Free Coalition Grant for Juvenile Alternatives**

Grant Facilitator Laurie Wilson requested permission to accept a grant in the amount of \$2,000 from the Drug Free Coalition for purchase of program materials.

- Commissioner Byers moved to accept the grant as presented, second by Commissioner Murtaugh; motion carried.

### **Permission to Accept Indiana Judicial Center Grant for Court Services**

Grant Facilitator Laurie Wilson requested permission to accept a grant in the amount of \$1,000 from the Indiana Judicial Center for Court Services. This will be used for training for the Change Company for six employees. The match amount of \$479 will be met from their budget.

- Commissioner Byers moved to accept the grant as presented, second by Commissioner Murtaugh; motion carried.

### **Permission to Apply for Grant from the Indiana Department of Homeland Security for the Tippecanoe County Local Emergency Planning Counsel**

Grant Facilitator Laurie Wilson requested permission to apply for a grant in the amount of \$83,662 from the Indiana Department of Homeland Security. This will be used for HAZMAT training and planning studies and does require a 20% match. The departments that will be receiving the training, specifically Purdue Fire Department and Lafayette Fire Department, will provide the match. This is in conjunction with the TEMA change that recently occurred; TEMA will no longer be the first responder on HAZMAT incidents within the county.

- Commissioner Murtaugh moved to grant permission to apply for the grant as presented, second by Commissioner Byers; motion carried.

### **Permission to Apply for the Renewal of the Saturday School Grant**

Grant Facilitator Laurie Wilson requested permission to apply for the renewal of the Saturday School Grant in the amount of \$26,400 for Superior Court III. This is year three of the grant and this will be the final year and has shown a lot of success.

- Commissioner Murtaugh moved to grant permission to apply for the grant as presented, second by Commissioner Byers; motion carried.

### ***UNFINISHED BUSINESS***

None

### ***NEW BUSINESS***

None

**REPORTS ON FILE**

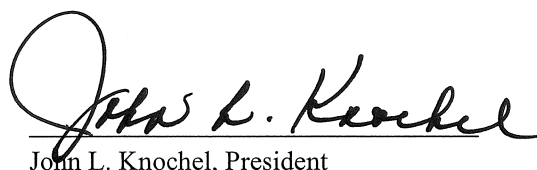
County Library  
Treasurer Office  
Parks and Recreation  
Weights and Measures

**PUBLIC COMMENT**

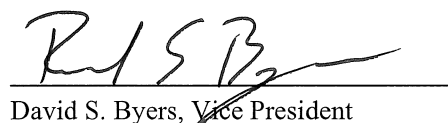
Aaron Tyler, 7411 W 1100 S, West Point—said that Indiana Code 32-30-6-6 defines a nuisance as whatever is injurious to health, indecent, offensive to the senses or an obstruction to the free use of property. Shadow flicker, ambient noise, and vibration in the ground could all be considered offensive to the senses and interfere with the comfortable enjoyable of life or property. A report commissioned by the United States Congress in 2008 states that a one-kilometer setback (about 0.6 miles) should eliminate these nuisances. Mr. Tyler suggested a one half mile setback from the property line of a non-participating landowner. The wind farm companies provide non-participating landowners with “Good Neighbor” payments; this should have minimal effect on the number of turbines they can build in Tippecanoe County. It is prudent for the Commissioner to enact an ordinance that is agreeable to all the rural resident of Tippecanoe County.

Commissioner Byers moved to adjourn.


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